

# State of South Dakota

SEVENTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 1998

156B0509

## HOUSE BILL NO. 1219

Introduced by: Representatives Koskan, Duenwald, and Schrempp and Senators Vitter and Benson

1 FOR AN ACT ENTITLED, An Act to revise procedures for the issuance of deer hunting  
2 licenses.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 41-6 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 No person may hunt deer unless the person holds a resident or nonresident deer hunting  
7 license, which shall be issued in the same manner as basic game and fish licenses and small game  
8 licenses are issued. Each deer hunting license is valid for any antlered or nonantlered deer, and  
9 each licensee is entitled to take no more than one deer. No person may receive more than one  
10 deer hunting license per deer hunting season, except as provided in § 41-6-55. The deer hunting  
11 license is valid throughout the state, and the number of licenses available for issuance is not  
12 limited. The cost of a resident deer hunting license is thirty-five dollars, and the cost of a  
13 nonresident deer hunting license is three hundred dollars. The Game, Fish and Parks Commission  
14 shall promulgate rules pursuant to chapter 1-26 to delineate the boundaries of various deer  
15 hunting units, to establish the starting and ending dates of the deer hunting season or seasons in

each unit, and to establish eligibility criteria for licensees based on the age of the licensee.

Section 2. That § 41-6-10 be amended to read as follows:

41-6-10. Licenses and stamps issued under this title are classified as follows:

- (1) Disabled hunter permit;
- (2) Export bait dealer license;
- (3) Fur dealer's license;
- (4) Habitat stamp;
- (5) Hoop net, trap or setline license;
- (6) License for breeding and domesticating animals and birds;
- (7) License to take fur-bearing animals;
- (8) Nonresident big game license;
- (8A) Nonresident deer hunting license;
- (9) Nonresident fishing license;
- (10) Nonresident predator license;
- (11) Nonresident professional dog training license;
- (12) Nonresident retail bait dealer license;
- (13) Nonresident shooting preserve license;
- (14) Nonresident small game license;
- (15) Nonresident wholesale bait dealer license;
- (16) Nonresident wild turkey license;
- (17) Nursing facility group fishing license;
- (18) Park user's license;
- (19) Permit for transportation of big game animal;
- (20) Private fish hatchery license;
- (21) Resident basic game and fish license;

1 (22) Resident big game license;

2 (22A) Resident deer hunting license;

3 (23) Resident elk license;

4 (24) Resident fishing license;

5 (25) Resident professional dog training license;

6 (26) Resident retail bait dealer license;

7 (27) Resident shooting preserve license;

8 (28) Resident small game license;

9 (29) Resident wholesale bait dealer license;

10 (30) Resident wild turkey license;

11 (31) Scientific collector's license;

12 (32) Special nonresident waterfowl license;

13 (33) Special Pine Ridge Indian reservation resident and nonresident big game license;

14 (34) Taxidermist's license;

15 (35) Temporary fishing license; and

16 (36) Waterfowl restoration stamp.

17 The rights and privileges of such licensees are set forth in § § 41-6-11 to 41-6-45.1,  
18 inclusive, and in § 41-17-13. The Game, Fish and Parks Commission shall promulgate rules  
19 pursuant to chapter 1-26 to set the fees for such licenses. No fee for a professional dog training  
20 license may exceed one hundred dollars.

21 Section 3. That § 41-6-19 be amended to read as follows:

22 41-6-19. It is a Class 1 misdemeanor for a resident to hunt, take or kill big game animals,  
23 except wild turkey, without a resident big game license or a resident deer hunting license,  
24 whichever is applicable, or in violation of the conditions of the license or the rules of the Game,  
25 Fish and Parks Commission.

1 A resident big game license ~~shall permit~~ or resident deer hunting license permits the licensee  
2 to hunt game animals in the manner and to the extent provided in §§ 41-8-5 to 41-8-17,  
3 inclusive. The license fees for mountain goats and bighorn sheep in Custer State Park ~~shall be~~  
4 is established pursuant to § 41-17-1.1.

5 Section 4. That § 41-6-19.3 be amended to read as follows:

6 41-6-19.3. If a resident farmer or rancher who owns or leases the prescribed minimum  
7 acreage of farm or ranch land to qualify for landowner preference, and who actually resides on  
8 the land, or is an owner-operator of the land, or a member of the farmer or rancher's immediate  
9 family also residing on the land has not received a big game license pursuant to § 41-6-19 during  
10 ~~the west river prairie deer season, east river deer season, or west river firearm antelope season~~  
11 set by the Game, Fish and Parks Commission pursuant to § 41-2-18 and all available permits for  
12 the taking of ~~antlered deer or~~ buck antelope have been issued for the hunting unit in which the  
13 person's land is located, the person may apply no earlier than twenty days prior to the  
14 commencement of the applicable season for a limited permit to hunt one ~~antlered deer or~~ buck  
15 antelope. No more than two limited permits may be applied for by each farm or ranch household.  
16 Upon receipt of the application submitted on a form prescribed by the commission, the  
17 Department of Game, Fish and Parks shall issue a limited permit that restricts the holder to the  
18 taking of one animal as designated on the permit only from the farm or ranch lands specified in  
19 the application. The holder of the permit may not take any big game animal from land owned or  
20 leased by other persons.

21 Section 5. That § 41-6-19.5 be amended to read as follows:

22 41-6-19.5. All the conditions applicable to licenses issued pursuant to § 41-6-19 apply to the  
23 limited permit to hunt ~~deer~~ antelope issued pursuant to § 41-6-19.3. However, the receipt of a  
24 limited permit for any one year as eligible does not preclude the receipt of a limited permit in any  
25 subsequent year or for any subsequent season set pursuant to § 41-2-18.

Section 6. That § 41-6-20 be amended to read as follows:

41-6-20. It is a Class 1 misdemeanor for a nonresident to hunt, take or kill big game animals, except wild turkey, without a nonresident big game license or a nonresident deer hunting license, whichever is applicable, or in violation of the conditions of the license or the rules of the Game, Fish and Parks Commission.

A nonresident big game license ~~shall entitle~~ or nonresident deer hunting license entitles the licensee to all the privileges of a resident big game license.

Section 7. That § 41-6-21 be amended to read as follows:

41-6-21. The Game, Fish and Parks Commission may by rules adopted pursuant to § 41-2-18 set the number of licenses issued for the hunting, taking, or killing of any big game animal, excluding deer, during any season and establish who shall be eligible to apply for such licenses. Any person in the armed services of the United States who is absent from this state on active duty during the entire time for making application, and is otherwise qualified, may apply for and shall receive ~~deer and west river antelope licenses~~ a west river antelope license. In addition, any spouse of such a person in the armed services who is also absent from this state during the entire time for making application, and is otherwise qualified, may apply for and shall receive ~~deer and west river antelope licenses~~ a west river antelope license. In establishing eligibility, the commission may give preference to persons who actually operate or live as owner or tenant on agricultural, timber or grazing lands situated within the areas opened to such big game hunting. It is a Class 2 misdemeanor for anyone to apply for such licenses except those persons whose eligibility has been established by statute or rule of the Game, Fish and Parks Commission.

Section 8. That § 41-6-56 be amended to read as follows:

41-6-56. Licenses issued under §§ 41-6-11 to 41-6-48, inclusive, or under section 1 of this Act may be issued only as provided by §§ 41-6-57 to 41-6-61, inclusive.

Section 9. That § 41-6-57 be amended to read as follows:

41-6-57. Licenses under §§ 41-6-11 to 41-6-21, inclusive, under section 1 of this Act, under § 41-6-23, under §§ 41-6-35 to 41-6-37, inclusive, under § 41-17-13, and the permit provided by § 32-20A-15.1 may be issued by the county treasurer of any county in this state or ~~his~~ the treasurer's duly authorized agents who, for such purpose, ~~shall be~~ are deemed acting for the Game, Fish and Parks Commission as hereinafter provided.

Section 10. That § 41-6-70 be amended to read as follows:

41-6-70. The Game, Fish and Parks Commission shall, at the close of each license year, reimburse the various counties for services rendered in connection with the sale of licenses under this chapter in the amount of ten percent of all license fees for licenses sold by the county treasurer or ~~his~~ the treasurer's agents during such license year, and, in addition, the county treasurers shall also be reimbursed ten percent of the fees for ~~the east river and west river prairie firearm-deer licenses and~~ the east river and west river firearm antelope licenses sold by the Department of Game, Fish and Parks for the respective counties. No reimbursement may be made for the sale of habitat stamps or waterfowl restoration stamps. All money received as such reimbursement shall be placed in the special highway fund of the county and shall be apportioned and used as provided in §§ 32-11-5 to 32-11-7, inclusive.

Section 11. That § 41-8-6 be amended to read as follows:

41-8-6. No person may pursue, hunt, take or kill any big game animal at any time, except persons to whom a big game license or deer hunting license has been issued. A violation of this section is subject to § 41-8-18.